

REMARKS/ARGUMENTS

Status of Claims

Claims 1-39 were filed in the present application. These claims have been rejected under various rejections. Claim 13 was canceled in the Response of July 10, 2006. Therefore, Claims 1-12 and 14-39 remain pending in this application.

Rejection

Claims 1-12 and 14-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Jr., US Pat. No. 5,185,010 ("Brown"), in view of Olson et al., US Pat. No. 5,916,205 ("Olson") and Li et al., US Pat. Appn. 2002/0169429 ("Li"). Applicants respectfully traverse this rejection.

The present invention relates to a tampon having a compressed absorbent structure having a liquid-resistant zone. The tampon has an introduction end and an opposite withdrawal end, and the tampon structure includes an absorbent material and an overwrap material disposed on the absorbent material. The absorbent material has a length, a width defined from a first edge corresponding to the introduction end of the tampon to a second edge corresponding to the withdrawal end of the tampon, and a thickness. The overwrap material has a length greater than the length of the absorbent material and a width generally corresponding to the width of the absorbent material. The overwrap material further comprises a liquid-permeable zone and a liquid-resistant zone, and the liquid-resistant zone of the overwrap material forms a fold over the second edge of the absorbent material.

Brown purports to disclose an absorbent material wound in a spiral configuration. The outermost winding of the spiral has a liquid permeable overwrap material disposed thereon, a portion of said overwrap being folded over the edge of the spiral which corresponds to the withdrawal end of the tampon and adhered to the inside surface of the outermost winding. The overwrap appears to cover less than the length of the absorbent material.

Osborn purports to disclose an interlabial absorbent device. The device has an absorbent core a topsheet, an impermeable backsheet, and flexible extensions attached thereto.

Li purports to disclose wettable polyolefin fibers and fabrics. These may be used in sanitary articles such as diapers, feminine hygiene products and incontinence care products.

The Office Action argues that Brown discloses a tampon formed from absorbent material and a liquid-permeable plastic overwrap having a width generally corresponding to the width of the absorbent material. The absorbent material and overwrap are wound spirally to form a tampon.

The Office Action is silent relating to what Olson teaches relevant to Claim 1, but it admits, “Neither Brown nor Olson teaches an overwrap material having a liquid-resistant zone.” However, the Action indicates, “Li teaches that the treatment of hydrophobic materials with surfactants to increase their hydrophilicity is known in the art,” and concludes, “it would be obvious to one of ordinary skill in the art to treat the overwrap taught by Brown with a surfactant in certain portions of the overwrap that overlie the absorbent core and contact the vaginal wall of the user such that the overwrap 10 has a liquid-permeable zone and a liquid-resistant zone, wherein the portion of overwrap 10 that folds over said second edge is not treated and thus remains liquid-resistant.” (Office Action mailed October 10, 2006, page 3)

Applicants respectfully submit that this Action fails to establish a prima facie case of obviousness under 35 USC 103. First, Applicants respectfully submit that the cited references fail to teach or suggest all of the elements of the presently claimed invention. First, Applicants respectfully submit that the Action fails to show where the cited references teach all of the claim elements. It admits that neither Brown nor Osborn teach an overwrap material having a liquid-resistant zone. It attempts to overcome this failure by reference to Li. However, there is no indication where Li teaches the desirability of providing a liquid-resistant zone to an overwrap material that forms a fold over the second edge of the absorbent material of Brown. For this reason, Applicants respectfully submit that the Action fails to provide a prima facie case of obviousness of the pending claims.

Second, there is no teaching or suggestion in the references, individually or in combination, to form a tampon having a liquid-resistant base. The structure of Osborn is significantly different than that of Brown. The impermeable backsheet of Osborn extends along the length and height of its absorbent structure, leaving only the top surface exposed. In contrast, the overwrap of Brown covers substantially all of the sides and base of the tampon. If the impermeable backsheet of Osborn simply replaced the overwrap of Brown, a simple rearrangement of elements under the language of the Action, it would prevent fluids from entering the side surfaces of the Brown tampon, significantly limiting its ability to act in a

desired manner. If one were to insert the impermeable backsheet of Osborn between its absorbent core and topsheet, it would also restrict fluid flow into the absorbent core. The mere reference to Li does not add anything to this structure. Therefore, there is no teaching or suggestion in either reference to combine the features disclosed in the manner suggested in the Action, let alone claimed in the pending claims.

Applicant respectfully points out that the presently claimed invention is inventive over Brown in view of Osborn and Li. Not one of the references, individually or in any combination, discloses limitations in the pending claims, and the modifications to Brown according to the teaching of Olson would reduce the efficacy of Brown's tampon. Reconsideration and withdrawal of this rejection are respectfully requested.

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. Applicants look forward to an early notice of allowance for this application.

Respectfully submitted,

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